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UNITED STATES DAUGHTERS OF 1812

HEARINGS

HELD BEFORE THE

COMMITTEE ON PATENTS

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

ON

H. R. 10104

A BILL TO RENEW PATENT NUMBERED TWENTY-FIVE THOUSAND NINE HUNDRED AND NINE

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UNITED STATES DAUGHTERS OF 1812.

COMMITTEE ON PATENTS,
HOUSE OF REPRESENTATIVES.
Washington, D. C., February 25, 1920.

The committee met at 10.30 o'clock a. m., Hon. John I. Nolan (chairman), presiding.

The CHAIRMAN. The meeting this morning is called to consider H. R. 10104, introduced by Mr. Lonergan. This bill is to renew Patent No. 25909, renewing the design of a patent issued by the United States Patent Office under date of August 11, 1896, to the United States Daughters of 1812, their badge or insignia.

The bill is as follows:

A BILL To renew patent numbered twenty-five thousand nine hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office of date August 11, 1896, being patent numbered 25909, is hereby renewed and extended for a period of 14 years from and after the passage of this act, with all the rights and privileges pertaining to the same as of the original patent, being generally known as the badge of the United States Daughters of 1812.

The CHAIRMAN. Mr. Lonergan, of Connecticut, who introduced the bill, and at whose request I arranged the hearing, is unable to be present, being at home on business, and has submitted the following statement:

Gentlemen of the Patents Committee, I think it proper that you should report favorable on H. R. 10104 to renew the patent numbered 25909 on the insignia of the National Society United States Daughters of 1812.

The insignia of the society is of gold and blue enamel and represents a star resting upon an anchor. The center of the star has on it the inscription "U. S. D. 1812." I place in the record here a copy of the insignia.

The objects of the National Society United States Daughters of 1812 are to preserve and increase knowledge of the history of the American people, by the preservation of documents and relics, the marking of historic spots, the recording of family histories and traditions, the celebrating of patriotic anniversaries, and especially the emphasizing and teaching of heroic deeds in the civil, military, and naval life of those who molded this Government of the United States and saved it from foes within and without, between the close of the American Revolution and the close of the War of 1812. In general, its one purpose is the promotion of patriotism.

As to qualification for membership, any white woman over 18 years of age, of good character, who offers satisfactory proof that she is a lineal descendant of an ancestor who rendered civil, military, or naval service to this country during the years 1784–1815, inclusive, is eligible to membership, provided the applicant be acceptable to the society. Civil service must have been in some one of the following capacities:

A member of the Continental or United States Congresses.

A member of the legislature of one of the first 18 States.

A delegate to the convention which framed the Constitution of the United States.

A member of a State convention which ratified said Constitution.

An elector of one of the first four Presidents of the United States.

A legislative, executive or judicial officer of the United States (not State) Government, including such appointive national officers as treaty commissioners, etc.

Military or naval service may have been in any one of the following insurrections or wars:

Wyoming Valley, Pennsylvania, 1784–1787.

Shay's Rebellion, Massachusetts, 1786–1787.

Wars with the Indians, 1784–1815.

Whiskey Insurrection, Pennsylvania, 1794.

War with France (undeclared), 1798–1800.

Sabine Expedition, Louisiana, 1806.

Attack of British warship *Leopard* upon United States frigate *Chesapeake*, 1807.

Embargo troubles, Lake Champlain, 1808.

Engagement between United States frigate *President* and British ship *Little Belt*, 1811.

Expedition against Lafitte Pirates, 1814.

War with the Barbary Powers, 1801–1805 and 1815.

War with Great Britain, 1812–1815. Service in the Army or Navy, either as officer or as private, or the giving of notable aid to the Army or Navy.

The officers of the organization are as follows:

Honorary presidents national, Mrs. William Gerry Slade, New York; Mrs. Robert Hall Wiles, Illinois.

President, Mrs. Clarence F. R. Jenne, 47 May Street, Hartford, Conn.

First vice president, Mrs. Samuel Preston Davis, 523 East Capitol Avenue, Little Rock, Ark.

Second vice president, Mrs. W. Samuel Goodwyn, Emporia, Va.

Third vice president, Mrs. Noble Newport Potts, 1002 Twenty-second Street NW., Washington, D. C.

Fourth vice president, Mrs. Henry James Carr, 919 Vine Street, Scranton, Pa.

Recording secretary, Mrs. Charles R. Banks, 1308 Watchung Avenue, Plainfield, N. J.

Corresponding secretary, Mrs. Charles F. Messinger, 82 Whalley Avenue, New Haven, Conn.

Treasurer, Mrs. Alvin Valentine Lane, 2505 Maple Avenue, Dallas, Tex.

Registrar, Mrs. James H. Stansfield, 220 South Scoville Avenue, Oak Park, Ill.

Historian, Mrs. Arthur S. Isham, 308 Pearl Street, Burlington, Vt.

Curator, Mrs. George F. Walker, 6 Grant Street, Portland, Me.

Librarian, Mrs. William V. Jobes, 730 Weidler Street, Portland, Oreg.

Auditor, Mrs. Theodore Shelton, 4467 Lindell Boulevard, St. Louis, Mo.

Chairman charter trustees, Mrs. William Gerry Slade, 332 West Eighty-seventh Steet, New York City.

Special secretary and chairman of supplies, Mrs. Albion B. Wilson, 208 Kenyon Street, Hartford, Conn.

At this time, gentlemen, when every effort to stimulate patriotism should be assisted, I consider it an honor and privilege to appear for the bill and to ask for the extension of the patent.

The CHAIRMAN. Mrs. Noble Newport Potts, who is a resident of Washington, is here in behalf of the bill. The committee will be glad to hear anything you have to say, Mrs. Potts, in favor of the passage of this bill, which would grant a continuation of the patent to your association.

STATEMENT OF MRS. NOBLE NEWPORT POTTS, 1002 TWENTY-SEVENTH STREET NW., WASHINGTON, D. C.

Mrs. POTTS. Mr. Chairman, I would be glad to give any information along any line that the committee would like to know. It seems to me that we having worked for 19 years we should be worthy to wear this insignia. It was on the 25th of February, 1901, that this patent was approved. I think it is quite a coincidence that it should come up to be renewed on the anniversary of that date.

I am not instructed in any way from our president, but my recollection is that several years ago the patent expired, and Caldwell, to whom it is granted, turned it over to the organization so that it would have full rights. Before that time I believe we had gone to him to have all of these badges made there.

I feel that it is a representative period that we should commemorate, and unless the committee can see some reason why we should not renew it, I feel that our work has stood for enough patriotic endeavor and works that we have accomplished to justify its being renewed, and I hope that it will be so considered.

Would you like to ask any questions that I can answer?

The CHAIRMAN. Do the members of the committee desire to ask Mrs. Potts any questions?

STATEMENT OF MR. ROBERT F. WHITEHEAD, ASSISTANT COMMISSIONER OF PATENTS.

The CHAIRMAN. Mr. Whitehead, the Assistant Commissioner of Patents, is here. I submitted a copy of this bill to the Patent Office. Did it come to your notice?

Mr. WHITEHEAD. No, sir.

The CHAIRMAN. Do you know any of the history of the extension of patents for patriotic purposes?

Mr. WHITEHEAD. So far as I know, Mr. Nolan, there has never been any patent extended since 1887. That is my information. I do not know why, or for what reason, but as you know the office has nothing to do with it. The extensions are not in the hands of the commissioners. So far as my understanding is concerned, the last extension made by Congress was in 1887, and I do not know of any that have been extended since then.

The CHAIRMAN. We were asked to give some protection in a general way to the Red Cross, and we are asked at different times to give extensions of patent rights to patriotic societies. I submitted a bill to find out what precedents there were for his legislation.

Mr. WHITEHEAD. So far as I know, there has not been any. I looked it up for Mr. Newton some little time ago in connection with this or some other bill, and I think he wrote you a letter stating that patents had not been extended.

The CHAIRMAN. I had particular reference to design patents on badges.

Mr. WHITEHEAD. I know. So far as my knowledge is concerned, there have not been any.

The CHAIRMAN. You have that bill down there. At least it ought to be there. I requested that we receive that information from you.

Mr. BABKA. How does the expiration of this patent affect the real purpose and work of your organization?

Mrs. POTTS. If we are not protected any other organization might come up.

Mr. BABKA. They could not use this?

Mrs. POTTS. They could if it was not protected. In evidence of that this District organization, of which I am a member, has been giving for several years a gold medal to be debated for by the graduating classes of all the high schools, on different topics in the

War of 1812. We are not allowed even to put on that medal, to introduce the insignia, because it is an encroachment on the badge itself. We can use an indication of the star or anchor, but never the reproduction.

In another organization to which I belong, a colonial society, we have had a great deal of trouble, because some women who could not get into this organization—did not have the lineage—organized a society whereby if you had the lineage you paid a small sum, and a larger sum if you had not the lineage, and joined, and they operated under the same title, and the badge was very much like it, so near like it that you could not tell it unless you examined it closely, and it caused a great deal of trouble, because many paid money into that organization and thought they were paying it into the original one. That has not happened to us, but I am afraid it might if we are not protected.

The CHAIRMAN. Mrs. Potts, how many have you in your society?

Mrs. POTTS. I think about 3,000.

The CHAIRMAN. Are you organized pretty generally over the country or only in certain sections?

Mrs. POTTS. Pretty well all over the country. It is of necessity not a large society, because there are few generations.

The CHAIRMAN. I appreciate that fact, but I was wondering whether your membership was confined to the sections of the country where the old members had located and anchored.

Mrs. POTTS. No, sir; we have some of our most flourishing organizations in the States which were not in the Union at the time.

The CHAIRMAN. I see.

Mrs. POTTS. There were but 18 States at that time.

The CHAIRMAN. There are about 3,000 members in your society?

Mrs. POTTS. There may be more, but that was so at the last convention last May.

The CHAIRMAN. Do you remember whether Mr. Mann introduced this bill or not?

Mrs. POTTS. I think he did.

The CHAIRMAN. Do you recall how long ago that was?

Mrs. POTTS. It is probably about three or four years ago.

The CHAIRMAN. Along in 1917?

Mrs. POTTS. Well, about then, because our national president was then in Chicago, and we change the president every four years and she got Mr. Mann to take it up in some way. No—was not that bill for the Smithsonian that he tried to get through?

The CHAIRMAN. This is a report of a bill, it does not give the name of the author, it was reported in 1917.

Is there anything else that you would like to say, Mrs. Potts?

Mrs. POTTS. Unless I could say something that would further the patent.

The CHAIRMAN. I mean in relation to it, anything you would like to say we would be glad to hear.

Mrs. POTTS. No, sir; only that the headquarters of the society is where the president lives, and at the time that Mr. Mann took it up our president was a resident of Chicago. Now the president is a different lady and is from Connecticut. Therefore, the headquarters are in Hartford.

The CHAIRMAN. If there are no further questions, I wish to thank you on behalf of the committee and we will give this careful consideration and get a word from the Patent Office on it.

Mrs. POTTS. Thank you very much.

Mr. WHITEHEAD. I do not think there is anything we can tell you except the date of expiration and as to what has been done before.

The CHAIRMAN. You might as well give us that as a matter of record.

Mr. WHITEHEAD. I assume there is a copy of the bill down there and I will make a report on it.

The CHAIRMAN. This bill was reported out favorably in 1917 by the Patent Committee. Mr. Morrison submitted it at that time, in the Sixty-fourth Congress. I think we ought to have a little further information on precedents.

Mr. DAVIS. Is this an organization that corresponds to the Daughters of the American Revolution with respect to the Revolutionary War?

The CHAIRMAN. Practically; yes. It gives a recital here in this letter.

Mr. DAVIS. In other words this bears the same relation to the War of 1812 that the Daughters of the American Revolution do to the Revolution.

The CHAIRMAN. This letter of Mr. Lonergan's explains that. It is along the same lines as the Daughters of the American Revolution.

Mr. VESTAL. Unless there is some reason given by the Patent Office why this patent ought not to be extended, I can not see any objection to extending it.

The CHAIRMAN. Will you give us a report on that, Mr. Whitehead?

Mr. WHITEHEAD. Yes; when I see what has been done.

The CHAIRMAN. See if it would establish a dangerous precedent. This is a patriotic organization. It is different from some kinds that can be utilized for profit.

Mr. DAVIS. Can you tell whether there is any competitive or conflicting organization?

Mr. WHITEHEAD. I do not see how there could be. They want to control the manufacture of the badges. They want to see the manufacture given to certain manufacturers. I do not know what else they want, or what other protection a patent can give them.

The CHAIRMAN. They say that if they are not given this protection, who is to stop other people from wearing it?

Mr. WHITEHEAD. They can only stop people from manufacturing and selling it. You can hardly get after a man that is wearing one.

Mr. DAVIS. If they could control the sale of it they could pretty well control the use of it.

Mr. WHITEHEAD. Pretty well that way. Possibly I could find out how many of those design patents there are. They are probably classified under badges, and I do not know whether the patent would show whether it was intended as a patriotic badge or not. I could probably give you the information as to how many existing badges there are and how many expired patents on badges there are.

The CHAIRMAN. I see no objection to reporting it, providing there is no objection from the Patent Office.

Mr. DAVIS. I do not see any objection.

Mr. WHITEHEAD. The bills for the extension of patents, a great many, are brought every year, bills to extend certain patents.

The CHAIRMAN. We have more now, I believe, than ever before. Since the war people in this country believe that because they were deprived, as they figure, on account of the essential industries, from operating and manufacturing things that they had patents to, that they ought to have extensions. We have more inquiries than ever before since I have been here, or since 1903, and I have discouraged Members of Congress from introducing bills because it has not been the practice of the Committee on Patents to give any consideration to the extension of patents at all. It is a dangerous proposition. They get all that they are entitled to in the 17 years' original protection, and of course there is a bill before the committee now that I told people I would be glad to arrange hearings for, this machinery that they have had in the post office for a good many years, and undoubtedly the patentees have not received any great remuneration, the post office being a natural monopoly. They seem to think that they can get some money from having big mail-order houses manufacture them now, and the like of that, but I can see where, if we start on that proposition, there will be no end to it.

Mr. VESTAL. But I do not think this case is in the same class.

The CHAIRMAN. That is why I say this would not be considered from the same angle. I believe all of these patriotic organizations that have insignia of that kind ought to be entitled to whatever protection we can give them if there is any little revenue, we ought to give it to them and let them control the manufacture.

Mr. VESTAL. That would give the same protection as the Congressional Club. The women here have protection because no one can wear one of those badges except on the order of the president of the club sent to a certain manufacturer or manufacturers of that badge. That absolutely protects them from having the badge worn by any one that is not entitled to it.

Mr. WHITEHEAD. They may want to know that the jeweler will manufacture only on an order from them, whereas an irresponsible jeweler might manufacture it for anyone. They may want to be able to control it so that only one jeweler will have the right to manufacture it.

Mr. VESTAL. I think that is the protection they would get.

Mr. WHITEHEAD. That is the only protection I see.

Mr. VESTAL. Mr. Chairman, is that all?

The CHAIRMAN. No. There is another matter here that I want to take up. Is it the wish of this committee that this bill be reported if we find no objection on the part of the Patent Office?

Mr. VESTAL. I will make the motion that the bill be reported if there is no objection from the Patent Office.

The CHAIRMAN. I would like to have that on the record. If there is no objection that will be the order.

(Thereupon at 11 a. m. the committee proceeded to the consideration of other business.)

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